

REMARKS

The present application was filed on January 23, 2004 with claims 1 through 30. Claims 1 through 30 are presently pending in the above-identified patent application. Claims 1, 2, 5, 7, 10, 13, 15, 17, 18, and 25 are proposed to be amended herein.

5 In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over Sayeed (United States Patent Number 6,456,653 B1) in view of Schafer et al. (United States Patent Number 6,134,267).

Claims 1, 2, 5, 7, 10, 13, 15, 17, 18, and 25 have been amended to correct the antecedent basis of various terms and to correct typographical errors. No new matter is introduced.

10 Independent Claims 1, 9, 17 and 24

Independent Claims 1, 9, 17, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sayeed in view of Schafer et al. Regarding claims 1 and 9, the Examiner asserts that Sayeed teaches “means for inserting an identifying signal (zero) on inactive sub-carriers,” but acknowledges that Sayeed fails to teach that the identifying signal identifies a transmitter and the 15 inactive sub-carriers will be modulated with a predetermined transmitter identifier information TII value. The Examiner asserts, however, that Schafer discloses a DAB system with carriers modulated by a TII signal to identify a transmitter (col. 1, lines 35-39).

Applicants note that Sayeed (United States Patent Number 6,456,653 B1) is assigned to Lucent Technologies, Inc., and that Sayeed and the present invention were commonly owned at 20 the time the present invention was made. Thus, since Sayeed is available as prior art under only 35 U.S.C. 102 (e), Sayeed is not available as prior art under 35 U.S.C. §103(a) (see, 35 U.S.C. §103(c)).

Thus, Sayeed does not preclude patentability of the present invention. Applicants also note that Schafer et al. do not disclose or suggest transmitting or inserting “an identifying signal on inactive sub-carriers, wherein said identifying signal identifies a transmitter” as required by 25 independent claims 1 and 9, and do not disclose or suggest an “identifying signal received on inactive sub-carriers, wherein said identifying signal identifies a transmitter,” as required by independent claims 17 and 24.

Dependent Claims 2-8, 10-16, 18-23 and 25-30

Dependent Claims 2-8, 10-16, 18-23 and 25-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sayeed in view of Schafer et al. Claims 2-8, 10-16, 18-23 and 25-30 are dependent on claims 1, 9, 17, and 24, respectively, and are therefore patentably distinguished over Sayeed and Schafer et al. (alone or in any combination) because of their dependency from 5 independent claims 1, 9, 17, and 24 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1 through 30, are in condition for allowance and such favorable action is earnestly solicited.

10 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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Date: May 5, 2005

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